



CHARTER REVISION COMMISSION
JUNE 3, 2014
7 P.M.

Charter Revision

The Charter Revision Commission Meeting was held in the Council chamber on Tuesday, June 3 at 7 p.m.

Present

David Larson, Chair, Philip Pessina, Robert Blanchard, Michael Gaudino, Vincent Loffredo, Thomas Hutton, Joseph Milardo, Dominique Thornton, Daniel Ryan and staff General Counsel Brig Smith and Clerk Marie Norwood.

Absent

Anton Petras and Kathryn Adams

Also Present

Two members of the public.

Called to order

The Clerk called the meeting to order at 7:02 p.m.

Election of Chair

The first order of business is the election of a chair for the Commission. Mr. Gaudino nominates Joseph Milardo; Mr. Pessina nominates Dr. Larson.

The Clerk asks for further nominations; hearing none, she calls for the vote on the nomination of Attorney Milardo as Chair; there are two aye votes by Commission Members Gaudino, and Milardo, and seven nay votes by Commission Members Ryan, Hutton, Blanchard, Pessina, Larson, Loffredo, and Thornton.

The Clerk calls for the vote on the nomination of Dr. Larson. It is seven aye votes by Commission Members Ryan, Hutton, Blanchard, Pessina, Larson, Loffredo, and Thornton and two nay votes by Commission Members Gaudino and Milardo.

The Clerk states Dr. Larson is the Chair for the Commission.

Election of Co-chair

Commissioner Blanchard nominates Atty Milardo as co-chair. There are no other nomination. The Chair calls for the vote and it is unanimous to approve by the members of the Commission present.

Minutes Approved

Commissioner Pessina moves the minutes of May 29, 2014 for approval; his motion is seconded by Commissioner Gaudino. There are no changes. The vote is called and it is unanimous to approve with three abstentions by Commission Members Hutton, Loffredo, and Ryan.

Public Hearing Opens

No one comes forward to address the Commission.

Public Hearing Closes

The chair closes the public hearing.

Time Line Review

The Clerk explains the time line. The Commission discusses that they may not need all those weeks and will cancel meetings. They choose not to meet the week of July 4. They discuss that the report can be written in stages as decisions and language are formulated for changes.

Meeting Schedule

The Clerk informs the Commission that Conference Room A is available for use at the Board of Education Administration Building or for two weeks, June 10 and 24, they could meet at the Police Community Room. The Commission chooses to go with the BOE administration building. The Schedule adopted is Tuesdays, June 10, 17, 24, July 8, 15, 22 for possible public hearing and Thursday, July 24. Some meetings may be canceled, but the Commission will complete the report and hand in earlier if possible than July 25. The clerk will post with the Town Clerk's Office and website.

Review Common Council Resolution; Review Public Hearing Comments; Middletown City Fire District Governance/Taxing Authority:

The Clerk advises the Commission that all of these items are part of the table presented and they could go through that list.

Chair Larson asks if they have to put language in proper form or will the City Attorney do that; the City Attorney will provide the language. Commissioner Milardo states they have incorporated language in their changes that they can use and he hope sit will be helpful. It is the thought process of three of the eleven members.

Issue of elected Treasurer, the Commission will review; The issue of responsibility for Initiative, the Commission will review; Council president to reside instead of Mayor will be reviewed; Cap on bonding will be reviewed; appropriations and bond ordinance needing nine votes will be reviewed; Board of education budget separate from City, no interest; increase terms of Council and Mayor will be reviewed.

Commissioner Gaudino asks what a Police Community Board is. There is discussion on what it would be and if there would be conflicts with Public Safety. The commission will not review. More bipartisanship with elected officials will not be reviewed; adding community members to Economic Development will not be reviewed; an Audit Committee to oversee processes was discussed. Commissioner Pessina thinks there are enough checks and balances; the Chair states they can already set up committees. This will not be reviewed.

A discussion on notices; the clerk was asked what occurs. The Commission decided not to review this. Budget plans for more than one year was discussed. Commissioner Milardo thought if the Mayor's term would be four years, he would present a plan to the City Council for what they would need for the next four years. The Commission asked if the Council have the right to do this. Commissioner Milardo responds the Mayor could plan for a five year budget. Commissioner Blanchard states he would do a two year budgets for a four year term. Five years is too unpredictable. Commissioner Loffredo stated it is too in flux for five years; there are things way beyond the control of the fiscal authority. He states the Mayor could do this if he wished to. Chair Larson asks if there is a capital plan. Commissioner Thornton responds yes. Commissioner Ryan states it is unworkable.

Discussion Road Bond Committee. Chair Larson asks if Public Works doesn't already do this. Commissioner Pessina states it falls under their purview. Commissioner Milardo states that is the point of planning a budget; he could asks the Council to put money away to pay for the roads. The Commission will not review this.

Discussion of specific time frame to empanel a committee. They discuss the language in the Charter which Commissioner Loffredo points out that they can now form committees with limited duration. Chair

Larson states it is specifically getting the committee started. Commissioner Milardo states the Charter can't address all issues. The Commission will not review this.

Commissioner Milardo discusses eminent domain and protecting the City when there is a taking of property for nonpublic use; if it is given to a developer or individual, the Council goes to the voters to get approval. This can't hurt the City. The Commission will review this.

The Chair asks the clerk about the budget schedule. It is explained how it works and the clerk points out that the last Charter Revision in 2008 dealt with moving the budget closer to the State's time and there are constraints to move it to May 30. The long and short sessions of the State Legislature are discussed. Commissioner Milardo states if there is a referendum on the budget, it is very close to have it reconsidered and have tax bills go out on July 1. Commissioner Loffredo states there is no wiggle room. Commissioner Milardo states it shouldn't be monkeyed with and if the Council would like them to, they should come and speak at a meeting. The Chair asks Commissioner Ryan to check with the Dem Caucus.

Commissioner Loffredo discusses the Middletown City Fire District Governance and taxing authority. He passes out a sheet of paper with the current mill rates. He discusses the difference in the mill rates among the fire districts in Middletown. He would like the City fire district with representatives that are electors making the decision on the mill rate like the other 2/3's of town. Commissioner Milardo states the Council sets the mill rate. Commissioner Milardo states they are not members of the central district and it is taxation without representation. He discusses the Fire Services Cost committee and asks the clerk to send copies out. He states the Charter has only one reference in Chapter III, Section 4 and he reads the last sentence about the Council having the power to make appropriations for the fire districts. The City, if something were to happen, the city has to be responsive to that. In this case, when you look at the fire district, it is not a taxing district per representation. One though he had, by Charter is to set a City fire District Commission, each party nominates a member, then nominates individuals and make it a 3/2 committee. Overwhelmingly, the majority of the members of the Council live outside the district and won't pay the mill rate. It is worth getting it into the queue. He is not sure it is in compliance with State Statutes. Councilman Milardo states another issue is the PILOT funds and that could be addressed as well with the City reimbursing the various departments on a fixed percentage. The Commission will consider this.

On making the Charter more Constitutional in style and making changes in accordance with State and Federal Law, the Chair states he reminded Atty Smith last week to go through the Charter and review and update it.

Chair asks Commissioner Milardo to go over the suggested changes he is presenting. Chapter II Section 3, amended to the language presented; no elected official would be eligible for appointment or employment to any salaried position during the entire term of office to which the official was elected; it would also add the language that no elected official's time in office shall be used by the Pension Board of the City of Middletown in any calculation of city service for pension eligibility or benefit calculation purposes.

Chapter III, Section 1 add language that they shall not be eligible to serve as a councilmember for more than four terms whether continuous or interrupted during their life time.

Chapter III, Section 2 Organization, add language for the election of a presiding officer of the common Council to act as chair; a deputy presiding officer shall also be elected to serve in the chair's absence. The Common Council would appoint the Corporation Counsel and set the salary.

Chapter III, Section 3B, amend regarding calling special meetings to be called by the Presiding Officer or Deputy Presiding Officer acting in the absence of the Presiding Officer and only upon written request of the Mayor or the written request of five members of the Common Council.

Chapter III, Section 3C would eliminate inclusion of the Mayor and Deputy Mayor in this section.

Chapter III, Section 4 after the section regarding sums to be paid to all elected officials add with the exception of the Mayor of the City of Middletown.

Chapter III, Section 7B under Initiative, when discussing the Petition shall first be reviewed by the City/Town Clerk, in consultation with the City Attorney, remove the City/Town Clerk in consultation with the.

Chapter IV, Section 1 change the term to 4 years for the Mayor and only eligible for reelection for 2 terms whether continuous or interrupted and setting the Mayor's salary; it would include a COLA increase given to retirees.

Chapter IV, Section 2, eliminate that the Mayor is the presiding Officer of the Common Council

Chapter IV, Section 2A, add a sentence regarding the Deputy Mayor when serving as Acting Mayor.

Chapter IV, Section 4, eliminate the Common Council's ability to vote on the salary of the Mayor.

Chapter VI, Section 1, eliminating the Board of Education budget from the Mayor's proposed budget
Chapter VI, Section 2, Board of Education as its own taxing district per CGS 10-241.

Chapter IX, Section 2, add in the aggregate amount of \$2,500,000 as the borrowing maximum with increments of \$750,000 or less and nine votes needed to approve bond ordinances.

Chapter IX, Section 5 Construction of Powers add language regarding Eminent Domain of private property for other than public purposes. Commissioner Thornton asks if this is compliant with the State statute. Commissioner Milardo responds you can limit your Council with home rule; it discusses private property for other than public use.

Chair Larson states the next meeting will be at the BOE Conference Room and they will work through the list; he asks the Clerk to have General Counsel look at the separate tax district for the Board of Education.

Motion to Adjourn

The Chair adjourns the meeting at 8:36 p.m.

Attest:

Marie O. Norwood
Staff